

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KNOWLINGTON O. BURBAGE,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-133-SLR
)	
CITY OF WILMINGTON, MAYOR)	
JAMES BAKER, POLICE DEPARTMENT)	
OF WILMINGTON, DELAWARE,)	
CHIEF MICHAEL SZCZERBA,)	
UNKNOWN SERGEANT,)	
OFFICER LEARY, OFFICER MYERS,)	
)	
Defendants.)	

**DEFENDANTS CITY OF WILMINGTON, MAYOR JAMES BAKER,
POLICE DEPARTMENT OF WILMINGTON,
CHIEF MICHAEL SZCZERBA AND OFFICER JOSEPH LEARY'S
MOTION TO EXTEND THE TIME PERIOD FOR FILING A MOTION FOR
SUMMARY JUDGMENT AND OPENING BRIEF**

Defendants City of Wilmington, Mayor James Baker, Police Department of Wilmington, Chief Michael Szczerba and Officer Joseph Leary (hereinafter "Defendants"), by and through undersigned counsel, hereby moves this Honorable Court to extend the time period in which to file a Motion for Summary Judgment and accompanying Brief in Support of the Motion for Summary Judgement in the above captioned matter. In support of their Motion, the Defendants offer the following:

- 1) In accordance with the Court's Scheduling Order of September 13, 2005, the Defendants are to file their Motion for Summary Judgment along with Opening Brief in Support of their Motion on March 15, 2006.
- 2) The Court's Scheduling Order indicated that Plaintiff's Answering Brief is due by May 1, 2006.

3) A Reply Brief is due by June 1, 2006.

4) The Defendants are in the process of preparing affidavits to attach to their Motion for Summary Judgment, however, the individuals to sign the affidavits are police officers who are currently working shift work.

5) Given the officers' work schedule, the Defendants are attempting to reach these officers, but the officers may not be able to sign their affidavits by Wednesday, March 15, 2006. Therefore, the Defendants are respectfully requesting an extension until March 24, 2006 to file their Opening Brief.

6) Given the fact that Plaintiff is incarcerated at a correctional facility in Lisbon, Ohio, the Defendants are unable to contact Plaintiff in a timely manner to ascertain his position on their request for an extension.

WHEREFORE, the Defendants respectfully request that this Honorable Court extend the time period in which to file an opening brief to Plaintiff's Complaint.

/s/ Rosamaria Tassone
Rosamaria Tassone (I.D. #3546)
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Mayor James Baker, Police Department of
Wilmington, Chief Michael Szczerba and
Officer Joseph Leary

Dated: March 13, 2006